

CITY OF LEWISTON

CITY COUNCIL

JANUARY 17, 2006

REGULAR MEETING HELD IN THE COUNCIL ROOM AT 7:00 P.M.

RENEE A. BERNIER, COUNCIL PRESIDENT, PRESIDING.

PRESENT: Councilors Mendros, O'Brien, Jean, Samson, Paradis, Rousseau, City Administrator James Bennett, and City Clerk Kathleen Montejo.

Absent/Excused: Mayor Guay

Pledge of Allegiance to the Flag.

Moment of Silence.

UPDATE FROM THE LEWISTON YOUTH ADVISORY COUNCIL

It was reported that the group is working on the All America Cities award application which is due in March. Representatives of LYAC recently did a presentation about the award to Rotary. They recently worked at a PAL fundraiser and sent \$100 to a school in New Orleans to assist with the purchase of school supplies.

VOTE (5-2006)

Motion by Councilor Jean, seconded by Councilor O'Brien:

To dispense with the reading of the minutes of the December 6, 2005, meeting and to accept and place them on file as prepared by the City Clerk. Passed - Vote 7-0

ADOPTION OF COMMUNITY DEVELOPMENT BLOCK GRANT CITIZENS PARTICIPATION PLAN FOR FY2006

VOTE (6-2006)

Motion by Councilor Jean, second by Councilor Paradis:

To approve the Citizens Participation Plan for the FY 2006 Community Development Program, City Policy Manual Number 13, as recommended by the Economic and Community Development Department. Passed - Vote 7-0

AMENDMENTS TO THE CITY POLICY MANUAL REGARDING THE COMMERCIAL REHABILITATION LOAN PROGRAM POLICY AND TO THE HOUSING REHABILITATION LOAN PROGRAM POLICY

VOTE (7-2006)

Motion by Councilor Jean, second by Councilor Paradis:

To approve the proposed amendment to the Commercial Rehabilitation Loan Program Guidelines, Policy Manual Number 27, and to the Housing Rehabilitation Loan Program Guidelines, Policy Manual Number 40, as recommended by the Director of Economic & Community Development. Passed - Vote 7-0

AUTHORIZATION FOR CITY ADMINISTRATION TO APPROVE OR DENY ALL REQUESTS TO HANG BANNERS ON MUNICIPAL PROPERTY

VOTE (8-2006)

Motion by Councilor Jean, second by Councilor Paradis:

ORDERED, That the City Council hereby authorizes the City Administrator or Deputy City Administrator to review and approve or deny all requests to hang banners on city property, on behalf of the Municipal Officers, during the period of January 17, 2006 through January 8, 2008. Passed - Vote 7-0

AUTHORIZATION FOR THE CITY CLERK AND/OR DEPUTY CITY CLERK TO APPROVE AND SIGN ALL APPLICATIONS TO OPERATE BEANO, BINGO OR OTHER GAMES OF CHANGE

VOTE (9-2006)

Motion by Councilor Jean, second by Councilor Paradis:

ORDERED, That the City Council hereby authorizes the City Clerk and/or Deputy City Clerk to approve and sign all applications to operate beano, bingo or other games of chance on behalf of the Municipal Officers, during the period January 17, 2006 through January 8, 2008. Passed - Vote 7-0

AUTHORIZATION FOR THE CITY CLERK AND/OR DEPUTY CITY CLERK TO APPROVE AND SIGN ALL PERMITS FOR CIRCUSES AND CARNIVALS

VOTE (10-2006)

Motion by Councilor Jean, second by Councilor Paradis:

ORDERED, That the City Council hereby authorizes the City Clerk and/or Deputy City Clerk to approve and sign all permits for a circus or carnival on behalf of the Municipal Officers, during the period January 17, 2006 through January 8, 2008. Passed - Vote 7-0

AUTHORIZATION FOR THE CITY CLERK AND/OR DEPUTY CITY CLERK TO SIGN ALL LIQUOR LICENSE APPLICATIONS

VOTE (11-2006)

Motion by Councilor Jean, second by Councilor Paradis:

ORDERED, That the City Council hereby authorizes the City Clerk and/or Deputy City Clerk to sign all liquor license applications on behalf of the Municipal Officers, during the period January 17, 2006 through January 8, 2008. Passed - Vote 7-0

AUTHORIZATION FOR THE CITY CLERK AND/OR DEPUTY CITY CLERK TO APPROVE AND SIGN ALL APPLICATIONS FOR UTILITY POLE PERMITS

VOTE (12-2006)

Motion by Councilor Jean, second by Councilor Paradis:

ORDERED, That the City Council hereby authorizes the City Clerk and/or Deputy City Clerk to approve and sign all applications for utility pole permits on behalf of the Municipal Officers, during the period January 17, 2006 through January 8, 2008. Passed - Vote 7-0

AUTHORIZATION FOR THE CITY CLERK AND/OR DEPUTY CITY CLERK TO APPROVE AND SIGN ALL LICENSES FOR CLOSE OUT SALE PERMITS

VOTE (13-2006)

Motion by Councilor Jean, second by Councilor Paradis:

ORDERED, That the City Council hereby authorizes the City Clerk and/or Deputy City Clerk to approve and sign all licenses for close out sale permits on behalf of the Municipal Officers, during the period January 17, 2006 through January 8, 2008. Passed - Vote 7-0

AUTHORIZATION FOR THE FINANCE DIRECTOR, TAX COLLECTOR AND DEPUTY TREASURER TO ACT ON BEHALF OF THE MUNICIPAL OFFICERS

VOTE (14-2006)

Motion by Councilor Jean, second by Councilor Paradis:

ORDERED, That the City Council hereby authorizes the Finance Director, Tax Collector or Deputy Treasurer to withhold monies payable by the City of Lewiston to cover taxes due pursuant to MRSA Title 30-A, section 905; to sign on behalf of the City, the necessary deeds and liens and tax settlements; and to invest funds in accordance with Maine Revised Statutes Annotated, Title 30-A, Section 5706; to apply all tax payments to the oldest outstanding tax obligation pursuant to MRSA Title 36, section 906, during the period January 17, 2006 through January 8, 2008. Passed - Vote 7-0

AMENDMENT TO THE TRAFFIC SCHEDULE REGARDING PARKING REGULATIONS FOR CHESTNUT STREET AND MILL STREET

VOTE (15-2006)

Motion by Councilor Jean, second by Councilor Paradis:

To approve the following amendments to the Traffic Schedule regarding parking regulations on Chestnut Street and Mill Street:

Section 9 - Parking Prohibited - All Times - Fire Lanes

Chestnut Street ~~Both sides from Canal Street to Lisbon Street~~

Section 23 - Parking Time Regulated - 15 Minutes - 9am to 9pm

Chestnut Street ~~North side beginning at a point 55' from the northwesterly corner of Chestnut Street & Lincoln Street and extending westerly to within 25' from the northwesterly corner of Chestnut Street & Oxford Street~~

Section 4 - One Way Streets

Mill Street In a northerly direction from Chestnut Street to Hines Alley

Note: (Additions are underlined; deletions are ~~struck-out~~)

Passed - Vote 7-0

AMENDMENT TO THE TRAFFIC SCHEDULE REGARDING PARKING PROHIBITED FOR FIRE LANES ON A PORTION OF HODKGIN STREET

VOTE (16-2006)

Motion by Councilor Jean, second by Councilor Paradis:

To approve the following amendment to the Traffic Schedule to prohibit parking on the entire north side of Hodgkin Street and to make this a fire lane zone:

Section 9 - Parking Prohibited - All Times - Fire Lanes

Hodgkin Street North side beginning at the northeasterly corner of Hodgkin Street and Commercial Street, and extending westerly on Hodgkin Street to the northwesterly corner of Hodgkin Street and Pleasant Street for a distance the entire north side of Hodgkin Street.

Passed - Vote 7-0

**RESOLUTION REGARDING ADOPTION OF THE NATIONAL INCIDENT
MANAGEMENT SYSTEM**

VOTE (17-2006)

Motion by Councilor Jean, second by Councilor Paradis:

To adopt the Resolution regarding Adoption of the National Incident Management System:

**RESOLUTION ADOPTING THE NATIONAL INCIDENT MANAGEMENT SYSTEM
(NIMS)**

WHEREAS, President Bush issued Homeland Security Presidential Directive (HSPD-5), Management of Domestic Incidents, on February 28, 2003, directing the Secretary of Homeland Security to develop, submit for review to the Homeland Security Council, and administer a National Incident Management System (NIMS); and

WHEREAS, NIMS will provide a consistent nationwide approach allowing federal, state, local and tribal governments to work effectively and efficiently to prevent, prepare for, respond to, and recover from domestic incidents; and

WHEREAS, the Department of Homeland Security has sought extensive input on NIMS from state, local and tribal officials, the emergency response community, and the private sector and has incorporated the best practices currently in use by incident managers; and

WHEREAS, effective homeland security incident management involves new concepts, processes, and protocols that will require refinement over time. The collective input and guidance from all homeland security partners has been, and will continue to be, vital to the further development of an effective and comprehensive national incident management system; and

WHEREAS, NIMS was published by the Department of Homeland Security on March 1, 2004; and

WHEREAS, HSPD-5 and NIMS require all federal departments and agencies to adopt NIMS and use it in domestic incident management and emergency prevention, preparedness, response, recovery, and mitigation programs and activities, as well as to assist state, local, or tribal entities; and

WHEREAS, HSPD-5 and NIMS require federal departments and agencies to require state, tribal and local organizations to adopt NIMS as a condition for federal preparedness assistance beginning in federal FY 2005.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lewiston, Maine, as follows:

SECTION 1: That all departments of the City shall utilize the National Incident Management System (NIMS) prescribed by the Department of Homeland Security.

SECTION 2: That the Lewiston City Council directs all departments to train their personnel on the NIMS and to update the Lewiston Integrated Emergency Management Plan.

SECTION 3: That this Council hereby finds and determines that all formal actions relative to the passage of this Resolution were taken in an open meeting of this body, and that all deliberations of this Council and of its Committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements.

SECTION 4: That this Resolution shall take effect on Tuesday, January 17, 2006.

Passed - Vote 7-0

**ADOPTION OF THE RULES TO GOVERN THE CITY COUNCIL
FOR THE ENSUING YEAR**

VOTE (18-2006)

Motion by Councilor O'Brien, second by Councilor Jean:

To adopt the Rules to Govern the City Council for the period of January 17, 2006 to January 8, 2008 as presented. Passed - Vote 7-0

**PUBLIC HEARING AND FINAL PASSAGE REGARDING AN AMENDMENT TO
THE ADVERTISING ORDINANCE TO ALLOW FOR THE EXCEPTION OF THE
DISTRIBUTION OF CAMPAIGN MATERIAL**

Council President Bernier opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this item. Council President Bernier then closed the hearing.

VOTE (19-2006)

Motion by Councilor Jean, second by Councilor Paradis:

That the proposed amendment to the City Code of Ordinances, Chapter 6 "Advertising", Section 6-7, "Campaign material excluded", receive final passage by a roll call vote. Passed - Vote 7-0

**PUBLIC HEARING AND FINAL PASSAGE REGARDING AN AMENDMENT TO
THE CITY CODE TO REFLECT THE STAFF TITLE CHANGE FOR THE
ASSISTANT CITY ADMINISTRATOR**

Council President Bernier opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this item. Council President Bernier then closed the hearing.

VOTE (20-2006)

Motion by Councilor Jean, second by Councilor Paradis:

That the proposed amendments to the City Code of Ordinances, Chapter 54 "Parks and Recreation", Section 54-1, and Chapter 82 "Vehicles for Hire", Section 82-54, receive final passage by a roll call vote. Passed - Vote 7-0

**PUBLIC HEARING AND FINAL PASSAGE REGARDING AN AMENDMENT
TO THE ADMINISTRATIVE CODE REGARDING THE DOWNTOWN
ADVISORY BOARD**

Council President Bernier opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this item. Council President Bernier then closed the hearing.

VOTE (21-2006)

Motion by Councilor O'Brien, second by Councilor Jean:

That the proposed amendments to the City Code of Ordinances, Chapter 2 "Administration", Article IV "Boards, Commissions, Committees and Bureaus", Division 8 "Downtown Advisory Board" Section 2-231, receive final passage by a roll call vote. Passed - Vote 7-0

**PUBLIC HEARING AND FIRST PASSAGE ON AN AMENDMENT TO THE CITY
CODE FOR VEHICLES FOR HIRE**

Council President Bernier opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this item. Council President Bernier then closed the hearing.

VOTE (22-2006)

Motion by Councilor Jean, second by Councilor Paradis:

That the proposed amendment to the City Code of Ordinances, Chapter 82 Vehicles for Hire, Article II, Taxicabs, Section 82-48, Standards for Denial and Section 82-53 City Clerk's Power to Suspend, receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the meeting of February 7, 2006 for final passage. Passed - Vote 7-0

**PUBLIC HEARING AND FIRST PASSAGE FOR THE CONDITIONAL REZONING
OF THE PROPERTY AT 20 HIGHLAND SPRING ROAD**

Council President Bernier opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this item. Council President Bernier then closed the hearing.

VOTE (23-2006)

Motion by Councilor Jean, second by Councilor Samson:

To approve first passage of the amendment to the Zoning and Land Use Code and Map to conditionally rezone the property at 20 Highland Spring Road, from the Highway Business (HB) District to the Industrial (I) District, subject to a conditional agreement, and that the public hearing on said amendment be continued to the meeting of February 7, 2006 for final passage. Passed - Vote 7-0

**GRANTING OF A SPECIAL AMUSEMENT PERMIT FOR DANCING
AND ENTERTAINMENT FOR THE
LEWISTON ELKS LODGE #371, 1675 LISBON STREET**

Council President Bernier opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this item. Council President Bernier then closed the hearing.

VOTE (24-2006)

Motion by Councilor O'Brien, second by Councilor Jean:

To grant a Special Amusement permit for dancing and entertainment to the Lewiston Elks Lodge #371, 1675 Lisbon Street. Passed - Vote 7-0

**CONDEMNATION HEARING FOR THE BUILDING LOCATED
AT 612 SABATTUS STREET**

City Attorney David Bertoni lead the hearing in which the City's Health Officer, Kim Austin, and the City's Code Enforcement Officer Gary Campbell spoke and testified to the conditions of the property. It was noted the building had a fire and was damaged. The building was not secured after the fire and water and ice damage have created problems and the property is now inhabitable and unsanitary. Mr. Campbell testified there is structural damage as result of the fire and the building is not secure and is unsafe. Mr. Bertoni admitted into the record the exhibits presented by the City during the hearing. It was noted the property owner has not been located and that legal advertisements and certified letters have gone unanswered.

VOTE (25-2006)

Motion by Councilor Jean, second by Councilor Paradis:

To accept the Findings of Fact regarding the building at 612 Sabattus Street to be a dangerous building as defined by state statutes, to adopt the Order of Condemnation and to

order the corrective action for the property owner which establishes the time frame in which the corrective action must be completed, and to authorize the City Administrator to take necessary actions to implement the corrective action as determined by the Municipal Officers, should the property owner fail to comply with the Council abatement order.

Passed - Vote 7-0

REQUEST FROM THE NINO CORPORATION REGARDING ISSUANCE OF REIMBURSEMENT FOR THEIR EXPENSES OF RECONFIGURING THE LANES ON OUTER LISBON STREET

Resident Larry Gilbert spoke and stated he attended the public meeting held at the Ramada where representatives of Nino Corporation stated they would pay for all needed infrastructure upgrades needed for the project to be approved and completed. He urged the Council not to place the burden of this expense on the taxpayers when it will benefit a private, for profit business. Councilor Rousseau noted the money will be replaced through impact fees.

VOTE (26-2006)

Motion by Councilor Mendros, second by Councilor Paradis:

To reimburse Nino Corporation for any costs above and beyond what their impact fee amount would be, that the City pays Nino Corporation with any impact fee revenues that are collected in the future, and if payment is not made by January 2007, then this item is to be reviewed by the Council in January 2007.

Passed - Vote 5-1 (Councilor Jean opposed and Councilor Samson abstained)

REQUEST FROM THE ANDROSCOGGIN LAND TRUST TO ACQUIRE A CITY OWNED PARCEL OF LAND

Ed Ploude and Jonathan LaBonte, representing Androscoggin Land Trust, made a presentation to the Council and stated the Land Trust will pay full market value for the property. Susan Hayward of the Stanton Bird Club said this is a significant piece of land for viewing wildlife and urged the Council to sell the land to the Land Trust for future benefit of all residents.

VOTE (27-2006)

Motion by Councilor Jean, second by Councilor O'Brien:

Be It Resolved by the City Council that the City Administrator be and hereby is authorized to dispose of all or part of the city owned parcel of land at 11 and 19 Tall Pines Drive (Map 190, Lot 2) , to Androscoggin Land Trust, providing that the trail system is preserved as part of the use of the property, and to execute the Agreement for Purchase and Sale of Real Estate for this property, and that the City Administrator be and hereby is authorized to make, execute and deliver such deeds and other documents as he, in his discretion, may deem

necessary or convenient to the accomplishment of such transaction. Further, the City Administrator is directed to work with the immediate adjacent landowners to secure additional river frontage for the continuation of the trail system and is authorized to dispose of any remaining part of said city land (Map 190, Lot 2) to accomplish that purpose.

Passed - Vote 7-0

PRESENTATION OF THE FY07 LEWISTON CAPITAL IMPROVEMENT PLAN

The City Administrator presented the Fiscal Year 2007 Capital Improvement Plan.

VOTE (28-2006)

Motion by Councilor Jean, second by Councilor O'Brien:

To receive and place on file the Fiscal Year 2007 Lewiston Capital Improvement Plan.

Passed - Vote 7-0

APPOINTMENTS TO BOARDS AND COMMITTEES

VOTE (29-2006)

Motion by Councilor Jean, second by Councilor Mendros:

NOMINATIONS BY MAYOR WHICH REQUIRE COUNCIL CONFIRMATION:

Citizen Positions:

- Airport Board of Directors - Edouard Plourde, three year term
- Cable Television Advisory Board - Joanne Potvin, two year term
- Cable Television Advisory Board - Norman L'Heureux, two year term
- Cable Television Advisory Board - Emile Jacques, two year term
- Cable Television Advisory Board - Alyson Stone, two year term
- Downtown Advisory Board - Michael Grimmer, three year term
- Downtown Advisory Board - Leighton Cooney, three year term
- Downtown Advisory Board - Marcel Blais, three year term
- Downtown Advisory Board - Paul Badeau, three year term
- Downtown Advisory Board - Eric Agren, three year term
- Downtown Advisory Board - Allen Sterling, three year term
- Library Board of Trustees - Arthur Turley, three year term
- Library Board of Trustees - David Bernier, three year term
- Library Board of Trustees - Judith Head, two year term
- Library Board of Trustees - Thomas Hood, one year term

Council Positions:

- Airport Board of Directors - Councilor Jean
- Downtown Advisory Board - Councilors O'Brien and Paradis
- Androscoggin Valley Council of Gov'ts General Assembly - Councilors O'Brien & Jean
- 911 Committee - Councilor Samson

Passed - Vote 7-0

VOTE (30-2006)

Motion by Councilor O'Brien, second by Councilor Samson:

APPOINTMENTS WHICH THE COUNCIL MAKES DIRECTLY:

Staff positions:

Lake Auburn Watershed Commission - Lewiston representative, Joe Grube, Assessor
Lewiston Urban Civic Center Enterprises Board of Directors - City Administrator Jim
Bennett and Finance Director Richard Metivier
Maine Service Centers Coalition representative - Deputy City Admin Phil Nadeau
Maine Service Centers Coalition - alternate representative - City Admin Jim Bennett

Passed - Vote 7-0

VOTE (31-2006)

Motion by Councilor Paradis, second by Councilor Jean:

APPOINTMENTS WHICH THE COUNCIL MAKES DIRECTLY:

Council positions:

Citizen Application Review Committee for the Business Development Loan Program -
Councilor Jean
Empower Lewiston Board of Directors - Councilor O'Brien
Lake Auburn Watershed Commission - Councilor Jean
Lewiston -Auburn Transit Committee - Councilor Samson
Lewiston Urban Civic Center Enterprises Board - Mayor, Councilor Paradis and
Councilor Rousseau
Lewiston Youth Advisory Council representative - Councilor Rousseau
Loan Qualification Committee - Councilor Jean
Joint Committee of the Auburn & Lewiston Councils - Councilor Mendros and
Councilor Bernier
Maine Municipal Association Legislative Policy Committee - Councilor Mendros
Taxi Appeals Board - Councilor Jean and Councilor Paradis

Passed - Vote 7-0

The following other committee appointments were also announced:

COUNCIL PRESIDENT APPOINTMENTS (NO CONFIRMATION REQUIRED):

Finance Committee - Councilors O'Brien and Paradis
Housing Committee of the Council - Councilor Samson and Councilor Rousseau

MAYOR'S APPOINTMENTS (NO CONFIRMATION REQUIRED):

Citizen Positions:

Board of Appeals - Joseph Remillard, full member, 5 year term

Board of Appeals - Gabrielle Russell, associate member, 5 year term

Finance Committee - Roger Provencher, 3 year term

Historic Preservation Review Board - Philip Meldrum and John Milo - three year terms

Personnel Board - Paul Robinson, 5 year term

Planning Board - Roger Philippon, full member, 5 year term

Planning Board - Ronald Chartier, associate member, 5 year term

Council Positions:

Empower Lewiston Board of Directors (Mayor's designee) - Councilor Samson

Lewiston Auburn Economic Growth Council - Councilor Rousseau

REPORTS AND UPDATES

Mr. Bennett reminded the Council of the January 24 joint workshop with the Planning Board and the January 26 workshop with the School Committee. In addition, the Council will hold a workshop on January 31 to review some upcoming projects.

OTHER BUSINESS

VOTE (32-2006)

Motion by Councilor Jean, second by Councilor Mendros:

To direct the City Administrator to send a letter to the president of LL Bean thanking them for locating a temporary factory store in the City during the holiday season and to invite them to open a permanent store in the City. Passed - Vote 7-0

VOTE (33-2006)

Motion by Councilor Paradis, second by Councilor Jean:

To adjourn at 9:55 P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, CMC
City Clerk
Lewiston, Maine